



Steve Bellone

SUFFOLK COUNTY EXECUTIVE

Natalie Wright  
CommissionerDepartment of Economic Development and Planning  
Division of Planning and  
Environment**STAFF REPORT****SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE**

**Petitioner:** Medford Gardens  
**Municipality:** Town of Brookhaven  
**Location:** n/s/o Horseblock Road (CR 16) approx. 711 feet w/o Eagle Avenue.

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**Received:** 2/17/2022  
**File Number:** BR-22-02  
**T.P.I.N.:** 0200 70000 0100 004002  
**Jurisdiction:** Within 500' to County and State roadways CR 16

**ZOING DATA**

- Zoning Classification A1
- Minimum Lot Area (Sq. Ft): 40,000 sf
- Section 278: NA
- Obtained Variance: NA

**SUPPLEMENTARY INFORMATION**

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
  - Map Yield: NA
- SEQRA Information: Yes
- SEQRA Type Unlisted
- Minority or Economic Distressed No

**SITE DESCRIPTION**

- Present Land Use: vacant
- Existing Structures: none
- General Character of Site: level
- Range of Elevation within Site: 95 - 100 feet amsl
- Cover: wooded, some minor disturbed areas
- Soil Types: carver and Riverhead associations
- Range of Slopes (Soils Map): 0-15%
- Waterbodies of Wetlands: None

## **NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: change of zone
- Layout: single building and amenities
- Area of Tract (Acres): 6.827
- Yield Map: NA
  - No. of Lots: 1
  - Lot Area Range (Sq. Ft.): NA
- Open Space (Acres): 0

## **ACCESS**

- Roads: Public CR 16 (Horseblock Road)
- Driveways: private

## **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design System: catch basins - leaching pools
  - Recharge Basins: yes- three proposed
- Groundwater Management Zone: III
- Water Supply: public
- Sanitary Sewers: on-site STP

## **PROPOSAL DETAILS**

### **OVERVIEW**

Petitioners seek Brookhaven Town Board approval for a change of zone on 6.827 acres of land from A Residence 1 to PRC Residence (Planned Retirement Community). The change of zone petition is to allow the construction of a 67-unit (72,331 SF), 3-story, affordable, rental housing building in the hamlet of Medford.

As per the requirements of the requested zoning district, units within the rental apartment building would be reserved for individuals 55 years of age and over.

As proposed, the rental units in the building are to be “affordable community units for individuals and couples that meet income eligibility.” In addition, a number of units will be set aside for individuals with developmental disabilities.

Site amenities intended for the project include recreational patios, benches, gazebo, community garden and internal pedestrian walkway system connected to Horse Block Road.

As is indicated on the “Concept Plan” (prepared by LABCREW Engineering P.C, dated July 2019; last revised 2/16/22) submitted to the Suffolk County Planning Commission by the Brookhaven Town Board, the construction of an on-site sewage treatment facility is being considered.

On-site stormwater drainage structures (catch basins & leaching pools) are proposed to direct stormwater runoff to the subsurface via three “drainage reserve areas” that are proposed along the eastern property line.

A review of the character of the land use and zoning pattern in the vicinity reveals that the subject property is zoned A Residence 1 in projection of nursing home (NHH) and Business (J2) zoning north of Horseblock Road and a business and industrial corridor along the south side of Horseblock Road (CR 16).

The projection of the A1 district to Horseblock Road (CR 16) is part of the predominant land use pattern and zoning district in the form of the A-1 designation and buildout including the intended development site and its boundary to the north and northeast.

Land use in the area is reflective of the zoning and includes predominantly improved and conforming residentially zoned land and an almost completely improved commercial business corridor along the south side of Horseblock Road in the immediate vicinity of the subject site.

Access to the proposed Townhouse complex is intended to be from an uncontrolled ingress/egress at Suffolk County Road 16 (Horseblock Road). An emergency access is proposed to a residential street to the north (New London Avenue) and future cross access is proposed at the south-east property line to the shopping center to the east. Internal street circulation is generally linear with 101 off-street parking stalls including six land-banked.

The subject property is situated in Hydro-geologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code. The site is not located in a NYS Critical Environmental Area. The site is not located in a NYS Special Groundwater Protection Area (SGPA). The subject site is not located in a Pine Barrens Zone of Suffolk County. No Federal, State or local mapped and regulated wetlands occur on the subject property. The subject property is not in or adjacent to a Potential Environmental Justice Area (PEJA).

## **STAFF ANALYSIS**

**GENERAL MUNICIPAL LAW CONSIDERATIONS:** New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

The development of the subject property in accordance with the existing zoning does not appear to raise significant inter-community issues. Residential land use would be compatible with the existing land uses to the north and north-east and can be reasonably buffered from commercial uses to the west and south-east.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Brookhaven Comprehensive Land Use Plan (1996) makes no specific recommendation for the intended development site. The Land Use Plan indicates the subject property for residential use "one  $\leq$  1 acre or less". The proposed action at a density of nine dwelling units to the acre (9du/ac) appears, at least in part, to fulfill this general comment.

### **SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012).

Below are items for consideration regarding the Commission policies:

It is not clear if the proposal intends to construct an on-site sewage treatment facility, as is indicated on the "Concept Plan" (prepared by LABCREW Engineering P.C, dated July 2019; last revised 2/16/22) submitted to the Suffolk County Planning Commission by the Brookhaven Town Board or direct waste water to a new connection to the adjacent sewage treatment plant associated with the "Medford Multicare" facility to the west as indicated in the Environmental Assessment Form (EAF D2.d.iii Pg. 5 of 13) also accompanying the referral from the Brookhaven Town Board to the Suffolk County Planning Commission. The property is not in a short groundwater travel time zone (< 25 year travel time) to surface waters in accordance with the Suffolk County Sub-Watersheds Plan. Also, as noted above, while the site is in Hydro-Geologic Zone III (groundwater deep recharge zone) it is not in a Special Groundwater Protection Area (SGPA) or Critical Environmental Area (CEA). The Petitioner should begin/continue dialogue with the Suffolk County Department of Health Services and/or the Suffolk County Department of Public Works as soon as possible regarding connection requirements Sewage Treatment Plant

On-site stormwater drainage structures (catch basins & leeching pools) are proposed to direct stormwater runoff to the subsurface via three "drainage reserve areas" that are proposed along the eastern property line. The eastern property line is also the location of three of the four wooded area "islands" that are to "remain undisturbed" and proposed as part of the open space allocation. It appears from the concept plan (prepared by LABCREW Engineering P.C, dated July 2019; last revised 2/16/22) submitted to the Suffolk County Planning Commission by the Brookhaven Town Board that the wooded area on the east side of the site is divided to be non-contiguous by an 8' wide sidewalk throughout the open space but more to the point, by three "drainage reserve area(s)" it is best management practice to create contiguous, undisturbed blocks of open space that compliments movement and migration of animals. One may argue that the 8' wide sidewalks are an insignificant disturbance to the open areas and the beneficial balance of a healthy walk through the woods against the minor disturbance is a small impact. However, it is the location of the proposed "drainage reserve" areas and the symbolization on the Concept Plan submitted that gives staff reason to comment.

The Full Environmental Assessment Form (FEAF) submitted to the Suffolk County Planning Commission by the Brookhaven Town Board for this project, indicates that the proposal will include no excavation during construction or operation (FEAF D.2.a. Pg. 4 of 13). However topography on site and symbolism on the submitted map would indicate excavation during construction would be required. This further impacts the "wooded area to remain undisturbed". The Town should work with the Petitioner to eliminate the need for excavation and disturbance to the "wooded areas to remain undisturbed". There is reasonable room on the development site to consider natural methodologies for storm water treatment to supplement the drainage plan. The Petitioner should be directed to the Commissions publication on Managing Stormwater Treatment through Natural Vegetation and Green Methodologies and achieve a contiguous block of openspace on site that compliments vacant land to the north and east.

The subject property in and of itself is one of the last remaining islands of woodland in the immediate area that has not been significantly disturbed since at least 1947. It is a migratory island in a relative sea of development outside of the Central Pine Barrens Reserve for bird species traveling to and from seasonal habitats. Best Management Practice would be to leave as much of the site as undisturbed and as contiguous as possible. No more than 60% of the site should be cleared of naturally occurring vegetation and development on site should be "clustered" to one end of the property, particularly to the south, to provide for a contiguous block of open space at the north end of the subject development site.

It is not evident in the referral materials to the Suffolk County Planning Commission from the Brookhaven Town Board if the Petitioners have reviewed the Commission's guidelines on energy efficiency. It is anticipated all units would be constructed to Energy Star Standards in accordance with Town Code requirements. The Petitioner should review the Commission standards on energy efficiency for further informational purposes.

It is noted that the proposed townhouse development does provide some housing diversity within the Town of Brookhaven.

The subject development site for the Medford Gardens Senior apartment development can be considered on the verge of being remotely situated and possessing limited amenities in a walkable distance desirable to support multi-family residence purposes. The commercial corridor along Horseblock Road (CR 16) in the immediate area does not provide much in the way of health related services. Department store shopping to the west is generally at the limits of walkable and there is no mass transit option within a five minute walk in the area including CR 16.

Attached multifamily developments are best situated in walkable settings typically in a downtown Commercial Business District or a Transit Orientated District or along major transit routes accessible to shopping centers and health services. The location of the subject change of zone is problematic as there is no Suffolk County Transit (bus) route along County Road 16 in this area. SC Transit bus S7B diverts its route off of CR 16 at Connecticut Ave to Race Avenue and then to Main Avenue, eliminating the commercial corridor in front of the subject property. Therefore, the Petitioner should be directed to provide frequent shuttle/van service to the Medford LIRR station, the Patchogue LIRR Station, downtown commercial business districts, grocery outlets and health related facilities etc.

Moreover, the proposed emergency access at the north end of the subject Concept Plan (prepared by LABCREW Engineering P.C, dated July 2019; last revised 2/16/22) should be designed to provide safe pedestrian passage to New London Avenue and directional signage and safe passage should be provided for pedestrians traveling north and south along New London Avenue to the Suffolk County Bus S7B stop. In addition, the proposed "future cross access" at the southeast corner of the site should be considered as part of the 8' pedestrian network and perhaps provide an alternate route to the S7B Bus line via Knickerbocker Avenue.

As noted above access to the proposed senior apartment complex is intended to be from an uncontrolled ingress/egress at Suffolk County Road 16 (Horseblock Road). An emergency access is proposed to a residential street to the north (New London Avenue) and future cross access is proposed at the south-east property line to the shopping center to the east. Internal street circulation is generally linear with 101 off-street parking stalls including six land-banked. Parking stall demand reduction techniques should be considered and memorialized in covenants on the change of zone approval. See the below publication on Parking Stall Demand Reduction as a methodology to create a nexus on parking forgiveness and developer provided public benefits.

<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/SCPlanningCommission/2019/PDR%20Final%20Draft%20103019.pdf>

Regarding motor vehicle transportation issues, 67 attached Senior Apartments units can produce as much as 200 or more trips per average weekday according to typical attached elderly housing multipliers. The project sponsors should be directed to conduct a Traffic Impact Study on the local roadways, particularly County Road 16 (Horse Block Road).

Improvements as necessary to local streets and County Road 16 may be necessary include right-of-way dedication and/or widening, signage, signalization, sidewalks and street furniture amenities.

The project sponsors should be directed to begin/continue dialogue with the Suffolk County Department of Public Works for mitigations to any anticipated roadway concerns effecting the intersection of the site entrance/exit and Horseblock Road (CR 16).

There is no indication in referral material to the Suffolk County Planning Commission from the Brookhaven Town Board that the Petitioner reviewed the Planning Commission guidelines particularly related to public safety and incorporated into the proposal, where practical, design elements contained therein.

There is no indication in referral material to the Suffolk County Planning Commission from the Brookhaven Town Board that the Petitioner reviewed the Planning Commission guidelines particularly related to universal design and incorporated into the proposal, where practical, design elements contained therein.

## **STAFF RECOMMENDATION**

Approval of the change of zone referral of Medford Gardens from A Residential 1 to Planned Retirement Community (PRC) subject to the following comments:

1. It is not clear if the proposal intends to construct an on-site sewage treatment facility, as is indicated on the "Concept Plan" (prepared by LABCREW Engineering P.C, dated July 2019; last revised 2/16/22) submitted to the Suffolk County Planning Commission by the Brookhaven Town Board or direct waste water to a new connection to the adjacent sewage treatment plant associated with the "Medford Multicare" facility to the west as indicated in the Environmental Assessment Form (EAF D2.d.iii Pg. 5 of 13) accompanying the referral from the Brookhaven Town Board to the Suffolk County Planning Commission.

The Petitioner should be begin/continue dialogue with the Suffolk County Department of Health Services and/or the Suffolk County Department of Public Works regarding requirements for sanitary waste treatment technology and discharge options.

2. The Full Environmental Assessment Form (FEAF) submitted to the Suffolk County Planning Commission by the Brookhaven Town Board for this project, indicates that the proposal will include no excavation during construction or operation (FEAF D.2.a. Pg. 4 of 13). However topography on site and symbolism on the submitted map would indicate excavation during construction would be required. This further impacts the "wooded area to remain undisturbed". The Town should work with the Petitioner to eliminate the need for excavation and disturbance to the "wooded areas to remain undisturbed". There is reasonable room on the development site to consider natural methodologies for storm water treatment to supplement the drainage plan.

The Petitioner should be directed to The Suffolk County Planning Commission's publications Managing Stormwater - Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical.

3. The subject property in and of itself is one of the last remaining islands of woodland in the immediate area that has not been significantly disturbed since at least 1947.

Best Management Practice would be to leave as much of the site as undisturbed and as contiguous as possible. No more than 60% of the site should be cleared of naturally occurring vegetation and development on site should be “clustered” to one end of the property, particularly to the south, to provide for a contiguous block of open space at the north end of the subject development site.

4. It is not evident in the referral to the Suffolk County Planning Commission if the Petitioners have reviewed the Commission’s guidelines on energy efficiency. It is anticipated all apartment units would be constructed to Energy Star Standards in accordance Town of Brookhaven Code requirements. The Petitioner should review the Commission standards on energy efficiency for further informational purposes.

5. Any on site recycling of construction of debris or storage of same shall be done at the greatest distance from sensitive receptors including, but not limited to, detached residential dwellings and health care facilities.

6. The Petitioner should be directed to provide frequent shuttle/van service to the Medford LIRR station, the Patchogue LIRR Station, downtown commercial business districts, grocery outlets and health related facilities etc.

7. The proposed emergency access at the north end of the subject Concept Plan (prepared by LABCREW Engineering P.C, dated July 2019; last revised 2/16/22) should be designed to provide safe pedestrian passage to New London Avenue and directional signage and safe passage should be provided for pedestrians traveling north and south along New London Avenue to the Suffolk County Bus S7B stop. In addition, the proposed “future cross access” at the southeast corner of the site should be considered as part of the 8’ pedestrian network and perhaps provide an alternate route to the S7B Bus line via Knickerbocker Avenue.

8. Parking stall demand reduction techniques should be considered and memorialized in covenants on the change of zone approval. See the below publication on Parking Stall Demand Reduction as a methodology to create a nexus on parking forgiveness and developer provided public benefits.

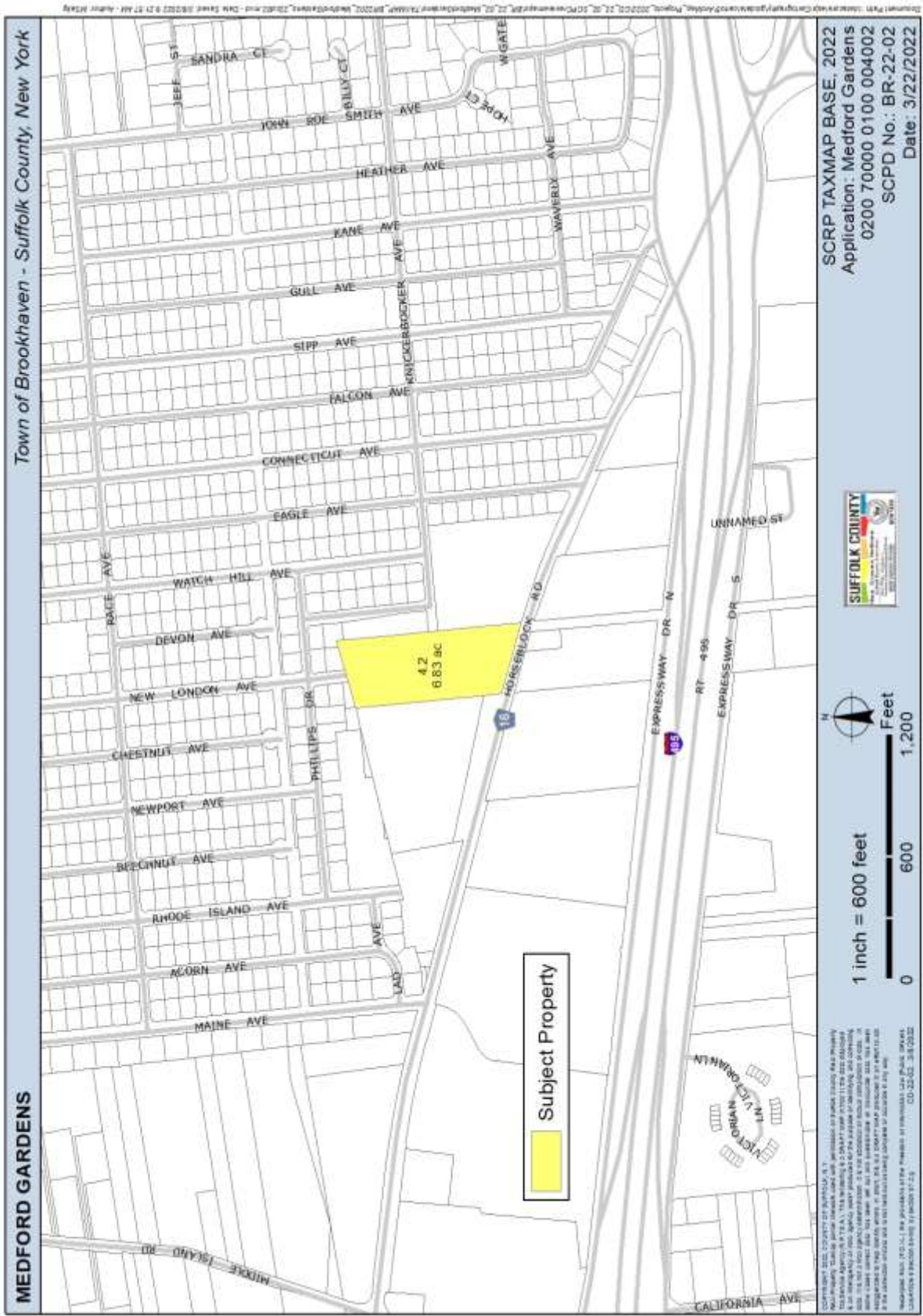
<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/SCPlanningCommission/2019/P/SDR%20Final%20Draft%20103019.pdf>

9. The project sponsors should be directed to begin/continue dialogue with the Suffolk County Department of Public Works for mitigations to any anticipated roadway concerns effecting the intersection of the site entrance/exit and Horseblock Road (CR 16).

10. The Petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

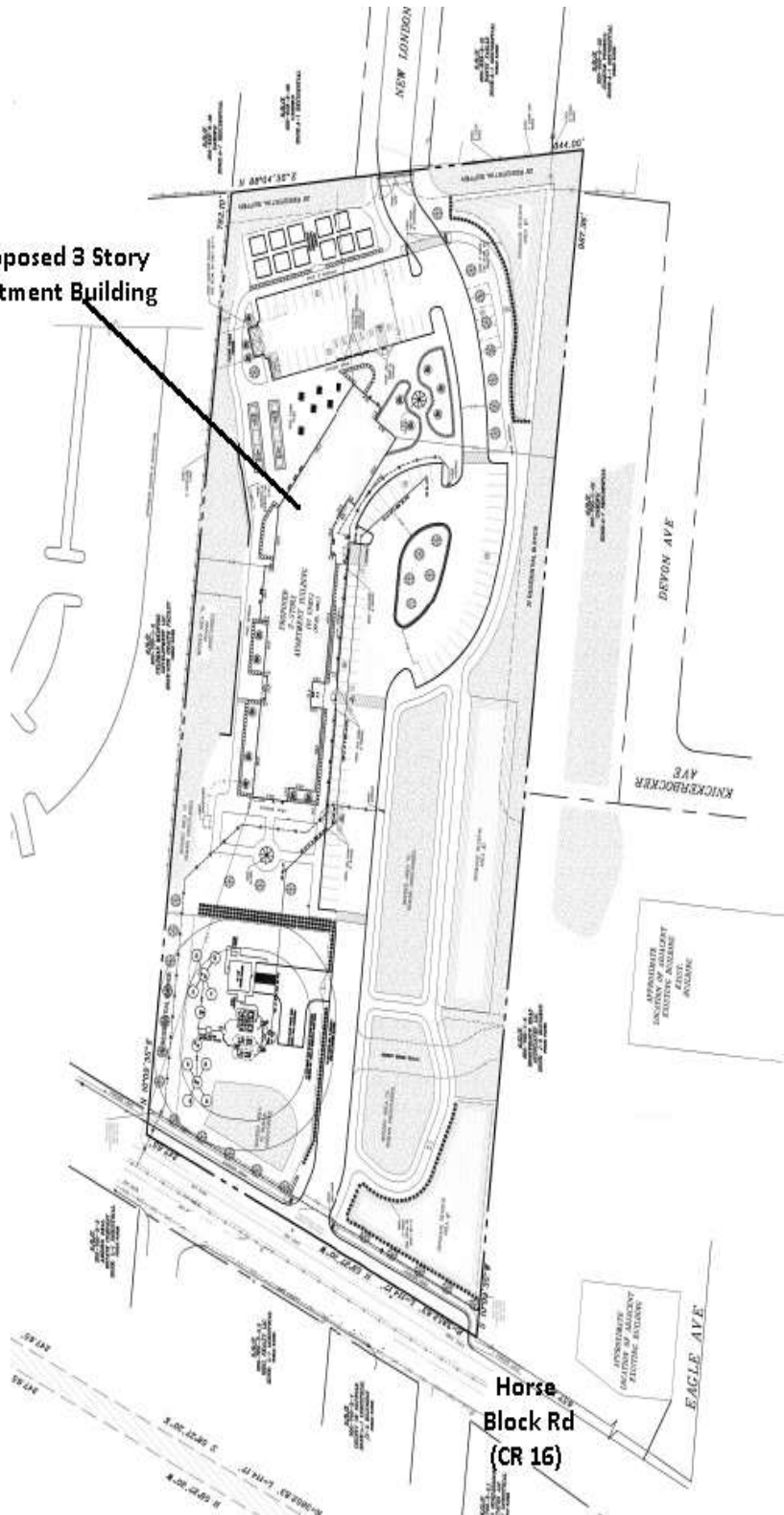
11. The Petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.







**Proposed 3 Story  
Apartment Building**



**Scale (In Feet)**

